

Frederick K. Taylor (Bar No. 159838)  
PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP  
525 B Street, Suite 2200  
San Diego, California 92101  
Telephone: 619.238.1900  
Facsimile: 619.235.0398

Attorney for Plaintiff,  
Readify Pty Ltd.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

READIFY, Pty Ltd., an Australian  
Corporation,

Plaintiff,

v.

READIFYBLOG, an individual;

Defendant.

Case No.: 4:12cv05357 KAW

**PLAINTIFF'S NOTICE OF  
SUBPOENA TO AUTOMATTIC,  
INC.**

Date: November 15, 2012  
Time: 11:00 a.m.  
Dept: 4  
Judge: Hon. Kandis A. Westmore

**PLAINTIFF'S NOTICE OF SUBPOENA**

***TO ALL PARTIES AND THEIR COUNSEL OF RECORD:***

***PLEASE TAKE NOTICE*** that, pursuant to Rule 45, Fed. R. Civ. P., Plaintiff will serve the attached subpoena on the Custodian of Records for Automatic, Inc. ("Automatic") requesting production of the documents and things described in Exhibit A on or before January 14, 2013, at the offices of Procopio, Cory, Hargreaves & Savitch LLP, 525 B Street, Suite 220, San Diego, CA 92101.

1 DATED: December 24, 2012

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP

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3 By: \_\_\_\_\_

4 Frederick K. Taylor  
5 Attorneys for Plaintiff,  
6 Readify, Pty Ltd.  
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## **EXHIBIT A**

### **DEFINITIONS & INSTRUCTIONS**

1. “YOU,” “YOUR,” or “YOURS” refers to Automattic, Inc. (“AUTOMATTIC”), including, without limitation all of its corporate locations and all predecessors, subsidiaries, parents & affiliates and all past or present directors, officers, partners, associates, employees, staff members, agents, representatives, consultants, attorneys, and entities acting in joint-venture, affiliate, partnership or business relationship with AUTOMATTIC and other acting on behalf of AUTOMATTIC.
2. The term “DOCUMENT” is used herein in this broadest sense under the Federal Rules of Civil Procedure and applicable case law and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), archives, all non-identical copies of all documents, all drafts of final documents, all other written, printed, or recorded matter of any kind and all other data compilations from which information can be obtained that are or have been in your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced or stored (including without limitation computer programs and files containing any requested information), and any recording or writing as these terms are defined in Rule 1001 of the Federal Rules of Evidence. Any document bearing marks, including without limitations initials, stamped initials, comments, or notations not part of the original text or photographic reproduction thereof is a separate document.

3. The terms “REFER” or “RELATE” or any variant thereof include, but are not limited to, the following meanings: pertaining to, analyzing, assessing, compromising, concerning, containing, constituting, discussing, establishing, mentioning, containing, evidencing, describing, displaying, showing, identifying, including, recording, reflecting, stating, proving, disproving, consisting of, supporting, contradicting, in any way legally, logically, or factually connected with the matters referenced, or having tendency to prove or disapprove any matter referenced.
4. The term “COMMUNICATION” or any variant thereof means any contact between or among two or more persons and shall include, without limitation, written contact by means such as letters, memoranda, telegrams, telecopies, telexes, e-mail or any other document; and any writings memorializing any oral contact such as face to face meetings or telephone conversations.
5. The term “THE BLOG” shall mean the blog site found at <http://readifyblog.wordpress.com>.
6. The term “Readifyblog” shall mean the person or entity responsible for the creation of THE BLOG.

**DOCUMENTS REQUESTED**

1. All DOCUMENTS REFERRING or RELATING to COMMUNICATIONS to or from Readifyblog (pseudonym for unknown identity) regarding (1) READIFY or (2) the October 22, 2010 posting on THE BLOG.
2. All DOCUMENTS exchanged between AUTOMATTIC and Readifyblog sufficient to identify or provide contact information for Readifyblog.
3. All DOCUMENTS disclosing, REFERRING or RELATING to any information concerning the physical address, email address, phone number or any other identifying information for Readifyblog or any other person responsible for creating THE BLOG.